



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
Washington, D.C. 20230

OFFICE OF THE GENERAL COUNSEL

MAY 21 2008

VIA ELECTRONIC MAIL

Ms. Audrey Huang  
Nossaman, Gunther, Knox & Elliot, LLP  
18101 Von Karman Avenue, Suite 1800  
Irvine, CA 92612  
ahuang@nossaman.com

Mr. Steven Kaufman  
Richards, Watson & Gershon  
355 S. Grand Avenue, 40<sup>th</sup> Floor  
Los Angeles, CA 90071-3101  
skaufmann@rwglaw.com

Mr. Mark Delaplaine  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219  
mdelaplaine@coastal.ca.gov

Ms. Jamee Jordan Patterson  
Office of the Attorney General  
110 West A Street, Suite 1100  
San Diego, CA 92101  
jamee.patterson@doj.ca.gov

Mr. John Saurenman  
Office of the Attorney General  
300 South Spring Street, Suite 1702  
Los Angeles, CA 90013  
john.saurenman@doj.ca.gov

Ms. Hope Schmeltzer  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105  
hschmeltzer@coastal.ca.gov

Re: Federal Consistency Appeal -- Foothill/Eastern Transportation Corridor Agency

Dear Sirs and Mesdames:

On February 15, 2008, Foothill/Eastern Transportation Corridor Agency and the Board of Directors of the Foothill/Eastern Transportation Corridor Agency (collectively, TCA) filed with the Secretary of Commerce (Secretary) a notice of appeal pursuant to section 307(c)(3)(A) of the Coastal Zone Management Act (CZMA), 16 U.S.C. § 1456(c)(3)(A). The appeal concerns the proposed extension of California State Route 241 in Orange and San Diego Counties, California. TCA appeals an objection by the California Coastal Commission (Commission) to TCA's consistency certification for the project.

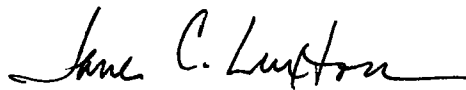
Since the Notice of Appeal was filed on February 15, 2008, the Office of the General Counsel of the National Oceanic and Atmospheric Administration (NOAA) has received numerous requests to hold a public hearing. The Secretary has great latitude in his decision whether or not to grant such a request, and is also given express authority to call a hearing at his own discretion. 15 C.F.R. § 930.128(d).

We believe a hearing is appropriate in this case. Accordingly, the Secretary will hold a public hearing for this appeal at a date and location to-be-determined.



The parties are directed to confer and within 20 days of the date of this letter submit a joint proposal identifying potential venues for the hearing and proposed dates between July 14 and August 1 or, alternatively, between August 25 and September 12 when the proposed venues are available. The parties shall submit this information to both Thomas Street and Stephanie Campbell, staff attorneys, NOAA Office of the General Counsel for Ocean Services, at [thomas.street@noaa.gov](mailto:thomas.street@noaa.gov) and [stephanie.campbell@noaa.gov](mailto:stephanie.campbell@noaa.gov). After receipt of this information, we will work to finalize the location, date, time and procedures for the hearing. This information will be provided to the parties in a subsequent letter, as well as in the Federal Register.

Sincerely,

A handwritten signature in black ink, appearing to read "Jane C. Luxton", with a long horizontal flourish extending to the right.

Jane C. Luxton  
General Counsel